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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,937	03/27/2001	Goran Rune	2380-228	5282

7590 04/06/2005

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EXAMINER

HAN, CLEMENCE S

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AR

Office Action Summary	Application No.	Applicant(s)	
	09/812,937	RUNE ET AL.	
	Examiner	Art Unit	
	Clemence Han	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 46-90 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 46-48, 51-53, 56-58, 61-63, 66-69, 72-74, 77-79, 82-84 and 87 is/are rejected.
- 7) ☒ Claim(s) 49, 50, 54, 55, 59, 60, 64, 65, 70, 71, 75, 76, 80, 81, 85, 86 and 88-90 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 52 is objected to because of the following informalities: There is a typographical error in the second line of the claim, “theradio”. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 46-48, 51-53, 56-58, 61-63, 66-69, 72-74, 77-79, 82-84 and 87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toskala et al. (US 6,456,826) in view of Bevan et al. (US 6,415,149).

In regard to claim 46 and 67, Toskala teaches, for use in a Radio Access Network of a telecommunications system, a method comprising deriving control parameters for controlling an in-and-out-of-synchronization detection algorithm for a set of combined radio links (radio link set) from corresponding cell based parameters (Column 5 Line 64 – Column 6 Line 9). Toskala, however, does not teach the radio link set being a set of radio links which are combined in a softer

handover operation performed at a base station of the Radio Access Network.

Bevan teaches the radio link set being a set of radio links which are combined in a softer handover operation performed at a base station of the Radio Access Network (Column 7 Line 35-40). It would have been obvious to one skilled in the art to modify Toskala to be used with softer handover operation as taught by Bevan in order to increase reliability of signal reception (Column 2 Line 15-24).

In regard to claim 47, 62, 68 and 83, Toskala teaches the control parameters for controlling the in-and-out-of-synchronization detection algorithm for a set of combined radio links (radio link set) derived from the corresponding cell based parameters of the cells of the individual Radio Links of a set of combined radio links (radio link set) in a base station (Column 5 Line 64 – Column 6 Line 26).

In regard to claim 48, 51, 63, 66, 69, 72, 84 and 87, Toskala teaches the control parameters derived by taking the largest value of the corresponding cell based parameters (Column 6 Line 22–26).

In regard to claim 52 and 73, Toskala teaches the control parameters for controlling the in-and-out-of-synchronization detection algorithm for a set of combined radio links (radio link set) derived from the corresponding cell based parameters of all cells in the base station (Column 7 Line 38–54).

In regard to claim 53, 56, 74 and 77, Toskala teaches the control parameters derived by taking the largest value of the corresponding cell based parameters (Column 7 Line 49–54).

In regard to claim 57 and 78, Toskala teaches the control parameters for controlling the in-and-out-of-synchronization detection algorithm for a set of combined radio links (radio link set) derived from the corresponding cell based parameters of any potential radio link set in a base station, where a potential radio link set corresponds to any combination of one or more cells in a base station (Column 7 Line 38–54).

In regard to claim 58, 61, 79 and 82, Toskala teaches the control parameters derived by taking the largest value of the corresponding cell based parameters (Column 7 Line 49–54).

Allowable Subject Matter

4. Claim 49, 50, 54, 55, 59, 60, 64, 65, 70, 71, 75, 76, 80, 81, 85, 86 and 88-90 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments with respect to claim 46-90 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to the invention in general.

U.S. Patent 5,933,787 to Gilhousen et al.

U.S. Patent 6,757,270 to Kumar et al.

U.S. Patent 6,618,432 to Ganesh

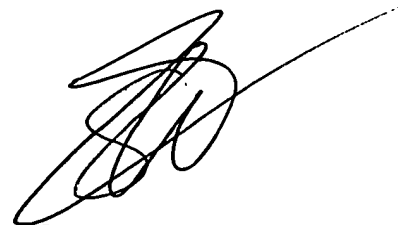
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clemence Han whose telephone number is (571) 272-3158. The examiner can normally be reached on Monday-Thursday 7 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C.H.

Clemence Han
Examiner
Art Unit 2665

A handwritten signature in black ink, appearing to be 'S. Nguyen', with a long horizontal line extending to the right.

STEVEN NGUYEN
PRIMARY EXAMINER